

# Human Rights *in British Columbia*

*April 2003*

## PROTECTION FROM DISCRIMINATION

The British Columbia Human Rights Code protects our human rights in three main areas:

1. Employment.
2. Tenancy and purchase of property.
3. Accommodation, services and facilities customarily available to the public.

The BC Human Rights Code covers all provincially regulated businesses and agencies. This includes all the ministries of the provincial government, local and municipal governments, schools and universities, hospitals and medical clinics, and private businesses such as stores, restaurants, and rental accommodation.

(There is also a Canadian Human Rights Commission which deals with federally regulated agencies and businesses.)

## What is discrimination and harassment?

### 1. Discrimination

Discrimination occurs when an individual person, or a group of people, are denied opportunities and rights because of a personal characteristic, such as their race, sex, etc.

Discrimination is when people are judged as members of a group rather than on the basis of their individual merits or abilities (e.g. "women cannot do jobs that involve heavy lifting").

### 2. Harassment

Harassment is a particular type of discrimination, and includes insulting or abusive treatment of people because of a personal characteristic.

The Human Rights Code protects people from harassment because of sex (such as when a person is subjected to unwelcome sexual conduct or sexual hostility), race, place of origin, or because of any of the other characteristics covered by the Code.

## Types of Unlawful Discrimination and Harassment

The Human Rights Code makes discrimination and harassment on the basis of the following characteristics unlawful:

- Race
- Colour
- Ancestry
- Place of Origin
- Age (covers only those 19 years and older and less than 65 years old)
- Sex (which includes pregnancy, breastfeeding, and sexual harassment)
- Physical or mental disability (which includes HIV/AIDS and drug or alcohol addiction)
- Sexual orientation (being gay, lesbian, straight or bi-sexual)
- Criminal conviction (employment only)
- Political belief (employment only)
- Lawful source of income (tenancy only)
- Religion
- Marital status
- Family status

## Prohibited practices

You are protected from being discriminated against because of a prohibited ground in relation to:

- Employment, including recruitment, job assignment, termination, pay rates, or conditions of work;
- Membership in a union or professional association;
- Provision of services, accommodations, or facilities;
- Rental of residential premises, unless the space is to be shared by the landlord;
- Purchase of a commercial or residential property; or
- Publication of hate literature.

## (Prohibited Practices, cont'd.)

In addition,

- Men and women must be paid the same for doing the same or substantially similar work; and
- You must not be retaliated against for filing a complaint under the Code.

## Accommodation

Sometimes a particular characteristic may mean a person is unable to do something (eg if a person is completely blind they will not be able to be employed as a bus driver). Human rights law recognizes this and does not regard these few situations as discriminatory.

More often, however, a particular characteristic will mean a person does something differently, perhaps more slowly, or requires some form of assistance. Employers, service providers, etc., need to accommodate these different capabilities, or requirements for assistance up to the point of undue hardship to avoid contravening human rights law.

## Contacts

### Human Rights Tribunal

Suite 1170 - 605 Robson Street  
Vancouver, BC, V6B 5J3  
Phone: (604) 775-2000  
Toll Free (in B.C.): 1-888-440-8844  
TTY: (604) 775-2021  
FAX: (604) 775-2020  
[www.bchrt.bc.ca](http://www.bchrt.bc.ca)

### Ministry of Attorney General

10th Fl 1001 Douglas Street  
PO BOX 9286 STN PROV GOVT  
Victoria V8W 9J7  
Phone: (250) 356-9596  
Fax: 250-356-7136  
TTY: Please call Enquiry BC: 1-800-661-8773  
[www.ag.gov.bc.ca/programs/hrc/index.htm](http://www.ag.gov.bc.ca/programs/hrc/index.htm)

## Frequently Asked Questions

### How did the human rights system change in April, 2003?

On March 31, 2003, amendments to the Human Rights Code came into effect.

The Human Rights Commission and Human Rights Advisory Council were eliminated and the Human Rights Tribunal was given increased powers.

Complaints are now filed directly with the Tribunal. This means that a single agency is now responsible for accepting, mediating, resolving, and holding hearings on complaints.

In addition, the Minister Responsible for Human Rights must now develop and deliver a program of public information and education about the Code.

### Have the protections under the Code changed?

No, the rights and protections guaranteed under the Code have not been changed. The only thing that has changed is the method by which these rights are protected.

### Who will do human rights education?

The Minister Responsible for Human Rights must develop and conduct a program of public education

and information designed to promote an understanding of the Code.

Information about human rights, the Human Rights Code, and how to file a complaint is available from the Ministry of Attorney General, the Human Rights Tribunal, Government Agents' offices, and many social agencies across BC.

### What has happened to complaints which were filed with the Commission?

All open complaints which were being handled by the Human Rights Commission have been transferred to the Human Rights Tribunal. The Tribunal will be contacting people who have active complaints to explain what the next steps are.

### Will people be able to get help with their complaints?

Assistance for people who need help to continue dealing with a complaint which has been transferred to the Tribunal, or who need help to file a complaint, or to respond to a complaint filed against them, is available from the agencies listed on page 3.

## Sources of Help

### BC Human Rights Clinic

Suite 1202-510 West Hastings St.  
Vancouver, BC, V6B 1L8  
Phone: (604) 689-8474  
Fax: (604) 689-7511  
Toll Free 1-877-689-8474  
E-mail: bchuman@istar.ca  
E-mail: info@bchrcoalition.org  
Web: www.human-rights-coalition.bc.ca

### Vancouver Island Human Rights Coalition

Vancouver Island Region  
418-620 View Street  
Victoria, BC V8W 1J6  
Phone: (250) 382-3012  
Email: vihrc@telus.net

### The Law Centre

Third Floor-1221 Broad St.  
Victoria, BC V8W 2A4  
Phone: (250) 385-1221  
Fax: (250) 385-1226  
E-mail: reception@thelawcentre.ca

### UBC Law Student's Legal Advice

Faculty of Law  
University of British Columbia  
Vancouver, BC V6T 1Z1  
Phone: (604) 822-5791  
Fax: (604) 822-1661  
E-mail: ubc\_lslap@hotmail.com

### Western Canada Society to Access Justice

Phone: (604) 878-7400  
Fax (604) 324-1515  
Web: www.accessjustice.ca